

CONSENT AWARD

dated 7 March 2023 and issued by the

FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Jose A. Rodriguez Alvarez (MEX).

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

Mr David PEREZ HERRERO in his capacity as the **Person Responsible** in the following case:

Case: C23-0001 HERRERO

FEI Case reference: Case 2022 CM07 RASHID - Mr. David PEREZ HERRERO

Person Responsible/ID/NF: David PEREZ HERRERO/10066804/ESP

Trainer/ID/NF: David PEREZ HERRERO/10066804/ESP

Horse/Passport: RASHID/107AY12/ES

Event/ID: CE12* 120 - Ademuz (ESP), 18-20.11.2022, 2022_CI_0899_E_S_02

Date of sample collection: 19.11.2022

Prohibited Substance(s): Phenylbutazone, Oxyphenbutazone

Bar Code Nos.: 5614940

I. Parties

1. The Fédération Equestre Internationale (the "FEI") is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body for the FEI equestrian disciplines of Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, and Para-Equestrian.
2. Mr David PEREZ HERRERO (FEI ID 10066804) the Person Responsible (the "PR"), is a rider from Spain and competed with the horse ERNEST (the "Horse") at the CEI2* 120 - Ademuz (ESP), 18-20.11.2022, 2022_CI_0899_E_S_02 (the "Event").

II. Factual background and initial proceedings

3. The Horse was tested during the Event and returned a positive result for Phenylbutazone and Oxyphenbutazone, which are Controlled Medication Substances under the FEI's 2022 Equine Prohibited Substances List.
4. The FEI informed the PR of the positive result for this Controlled Medication Substances by way of a notification letter dated 23 December 2022 (the "Notification Letter") and charged him for violations of Article 2.1 (*The Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample*) and Article 2.2 (*Use or Attempted Use of a Controlled Medication Substance or a Controlled Medication Method*) of the Equine Controlled Medication Rules (the "ECM Rules").
5. In the Notification Letter, the FEI provided the PR with an option to admit the ECM Rule violation and accept the proposed consequences of a three (3) month reduction of the otherwise applicable "Period of Ineligibility" of six (6) months in accordance with Article 10.8.1 of the ECM Rules, Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse and a fine of 2'500 CHF.
6. On 27 December 2022, the PR voluntarily accepted a "Provisional Suspension" of three (3) months, Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse and the fine of 2'500 CHF (the "Accepted Consequences"). He submitted to the FEI a duly signed Acceptance of Consequences Form in which he waived his right of appeal and acknowledged that the Accepted Consequences would remain on his record for four (4) years pursuant to Article 10.9 of the ECM Rules.

III. Summary of the proceedings before the FEI Tribunal

7. On 9 January 2023, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification Letter and requested the FEI Tribunal to issue a consent award confirming the Accepted Consequences (the "Consent Award").
8. On 20 January 2023, the FEI Tribunal informed the Parties of the appointment of a one-member hearing panel to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the hearing panel by 25 January 2023.
9. On 20 January 2023, the FEI informed the FEI Tribunal that it did not have any objections to the constitution of the hearing panel. The PR did not respond; therefore, his silence was inferred as his agreement to the constitution of the hearing panel.
10. Neither party requested an oral hearing.

IV. Jurisdiction

11. The jurisdiction of the FEI Tribunal, which is not disputed, is derived from the:

Statutes 24th edition, effective 17 November 2021 ("Statutes"), Articles 1.5, 38 and 39.

General Regulations, 24th edition, 1 January 2020, updates effective 1 January 2022 ("GRs") Articles 118, 143.1, 159, 164, 165 and 167.

Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 ("IRs").

FEI's Equine Anti-Doping and Controlled Medication Rules, 3rd Edition, effective 1 January 2021 ("EADCM Rules"). The EADCM Rules are divided into the Equine Anti-Doping Rules (the "EAD Rules") and (the "ECM Rules").

V. Early Admission and Acceptance of Sanction

12. In accordance with Article 10.8.1 of the ECM Rules, *"Where Person Responsible and/or member of the Support Personnel and/or other Person, after being notified by the FEI of a potential ECM Rule violation that carries an asserted period of Ineligibility of six (6) months or more (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an ECM Rule violation charge, the Person Responsible and/or member of the Support Personnel and/or other Person may receive a three (3) month reduction in the period of Ineligibility asserted by the FEI. Where the Person Responsible*

and/or member of the Support Personnel and/or other Person receives the three (3) month reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.”

VI. Ratification of the Accepted Consequences

13. The PR has explicitly admitted violations of the ECM Rules and accepted the following consequences (in accordance with the Article 10.8.1 of the ECM Rules):

- a Period of Ineligibility of three (3) months commencing from the date of this Decision (in case of a voluntary Provisional Suspension, the already served suspension will be credited against the imposed Period of Ineligibility);
- a fine of CHF 2,500;
- Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse.

14. The FEI Tribunal confirms that the Accepted Consequences comply with the ECM Rules and finds no grounds to object to the terms of the Accepted Consequences.

ON THESE GROUNDS

1. The sole panel member hereby ratifies the Accepted Consequences by the PR in the case C23-0001 HERRERO [Case 2022 CM07 RASHID - Mr. David PEREZ HERRERO (PR)] and incorporates its terms into this Consent Award.
2. Each Party is hereby ordered to perform the obligations and duties set out in the Acceptance of Consequences Form.
3. This Consent Award is pronounced without costs.
4. This Consent Award is final and not subject to a right of appeal as the PR has waived this right.
5. This Consent Award will be published in accordance with Article 13.3 of the ECM Rules.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr David PEREZ HERRERO (PR)

b. Any other:

- The ESP- NF

FOR THE TRIBUNAL

A handwritten signature in black ink, consisting of a large, stylized 'A' shape with a vertical line extending upwards from the right side. Inside the 'A' shape, there are some smaller, less legible markings that appear to be initials or a date.

Jose A. Rodriguez Alvarez (MEX)